

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

NICOLE KESTEN and SCOTT KESTEN,
on behalf of themselves and others similarly
situated,

Plaintiffs,

v.

OCWEN LOAN SERVICING, LLC;
FEDERAL HOME LOAN MORTGAGE
CORP.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; and
DOES 1-10,

Defendants.

Case No. 1:11-CV-6981

Judge James F. Holderman

Magistrate Judge Jeffrey Cole

**DEFENDANT FEDERAL HOME LOAN MORTGAGE CORPORATION'S
MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED COMPLAINT**

COMES NOW Defendant Federal Home Loan Mortgage Corporation ("Freddie Mac"), and respectfully moves the Court for an order dismissing plaintiffs Scott and Nicole Kesten's First Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) and 12(b)(1).

Freddie Mac respectfully requests an opportunity to present its motion to the Court on December 22, 2011. As explained more fully in the accompanying memorandum of law, plaintiffs' First Amended Complaint fails to allege facts sufficient to establish causes of action under Regulation Z of the Truth In Lending Act, 12 C.F.R. § 226.20(c), and the Illinois Consumer Fraud Act, 815 ILL. COMP. STAT. 505/2, and also fails to allege facts sufficient to establish a cause of action for breach of contract under Illinois law.

Dated: December 16, 2011

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Respectfully submitted,

s/Daniel K. Ryan

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CERTIFICATE OF SERVICE

I, the undersigned attorney, certify that on December 16, 2011, I served this document by filing it with the Court's CM/ECF system, which will make a copy available to counsel of record identified below.

By: /s/ Daniel K. Ryan

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